

## THE HONORABLE JUDGE ROBERT J. BRYAN

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT TACOMA**

LAWRENCE HARTFORD; DOUGLAS MITCHELL; BRETT BASS; SPORTING SYSTEMS VANCOUVER, INC.; SECOND AMENDMENT FOUNDATION, INC.; and FIREARMS POLICY COALITION, INC.

Plaintiffs,

BOB FERGUSON, in his official capacity as Washington State Attorney General; et al.

Defendant(s).

NO. 3:23-cv-05364

**KITTITAS COUNTY  
DEFENDANTS ZEMPEL AND  
MYERS' ANSWER TO  
PLAINTIFFS' COMPLAINT  
AND AFFIRMATIVE  
DEFENSES**

Defendants Kittitas County Prosecuting Attorney Greg Zempel and Kittitas County

Sheriff Clayton Myers (“Kittitas County Defendants”), by and through their attorneys of record, answer Plaintiffs’ Complaint. Except as expressly admitted or qualified, Kittitas County Defendants deny each and every allegation, statement, or charge contained in the Complaint, and deny that Plaintiffs are entitled to any of the relief requested. Plaintiffs’ Complaint contains headings that are not specifically responded to herein. To the extent Plaintiffs’ headings contain allegations to which a response is required, Kittitas County Defendants deny. Kittitas County Defendants answer the numbered paragraphs of Plaintiffs’

**KITTITAS COUNTY DEFENDANTS ZEMPEL AND  
MYERS' ANSWER TO COMPLAINT  
(USDC 3:23-cv-05364-RJB)**

Complaint as follows:

## I. INTRODUCTION

1. Paragraph 1 asserts opinion and legal conclusions that require no response. The Constitutional provision cited speaks for itself and requires no response. To the extent a response is required, Kittitas County Defendants deny.

2. Paragraph 2 asserts opinion, legal conclusions and argument that require no response. To the extent a response is required, Kittitas County Defendants deny.

3. Paragraph 3 asserts opinion, legal conclusions and argument that require no response. To the extent a response is required, Kittitas County Defendants deny.

4. Paragraph 4 asserts opinion, legal conclusions and argument that require no response. To the extent a response is required, Kittitas County Defendants deny.

5. Paragraph 5 asserts opinion, legal conclusions and argument that require no response. To the extent a response is required, Kittitas County Defendants deny.

6. Paragraph 6 contains Plaintiffs' opinion, legal conclusions and argument of the relief they seek, including allegations pertaining to other defendants who are separately represented, which require no response. Kittitas County Defendants deny they have infringed or threaten to infringe the rights of the Plaintiffs. To the extent a response is required, Kittitas County Defendants deny.

## II. JURISDICTION AND VENUE

7. Paragraph 7 asserts legal conclusions that require no response. To the extent a

**GREGORY L. ZEMPEL**  
KITTITAS COUNTY PROSECUTOR  
KITTITAS COUNTY COURTHOUSE - ROOM 213  
ELLENSBURG, WASHINGTON 98926-3129  
TELEPHONE 509 862-7520

1 response is required, Kittitas County Defendants deny.

2 8. Paragraph 8 asserts legal conclusions that require no response. To the extent a  
3 response is required, Kittitas County Defendants deny. Kittitas County Defendants also note  
4 Plaintiffs' 42 U.S.C. §1983 and §1988 claims against Kittitas County Defendants have been  
5 dismissed, so Kittitas County Defendants deny Plaintiffs seek remedies under those  
6 provisions.

7 9. Paragraph 9 asserts legal conclusions that require no response. To the extent a  
8 response is required, Kittitas County Defendants deny.

9 **III. PARTIES**

10 10. Kittitas County Defendants deny they have taken any steps to cause Plaintiff  
11 Doug Mitchell to fear prosecution. Kittitas County Defendants are without knowledge or  
12 information sufficient to form a belief as to the truth of the remaining allegations contained in  
13 Paragraph 10 and, therefore, deny the same.

14 11. Kittitas County Defendants deny they have taken any steps to cause Plaintiff  
15 Lawrence Hartford to fear prosecution. Kittitas County Defendants are without knowledge or  
16 information sufficient to form a belief as to the truth of the remaining allegations contained in  
17 Paragraph 11 and, therefore, deny the same.

18 12. Kittitas County Defendants deny they have taken any steps to cause Plaintiff  
19 Brett Bass to fear prosecution. Kittitas County Defendants are without knowledge or  
20 information sufficient to form a belief as to the truth of the remaining allegations contained in  
21

1 Paragraph 12 and, therefore, deny the same.

2 13. Kittitas County Defendants deny they have caused any harm to Plaintiff  
3 Sporting Systems Vancouver, Inc. Kittitas County Defendants are without knowledge or  
4 information sufficient to form a belief as to the truth of the remaining allegations contained in  
5 Paragraph 13 and, therefore, deny the same.

6 14. Kittitas County Defendants deny they have caused any harm to Plaintiff Second  
7 Amendment Foundation or its members, including the individual Plaintiffs. Kittitas County  
8 Defendants are without knowledge or information sufficient to form a belief as to the truth of  
9 the remaining allegations contained in Paragraph 14 and, therefore, deny the same.

10 15. Kittitas County Defendants deny they have caused any harm to Plaintiff  
11 Firearms Policy Coalition, Inc., or its members, including the individual Plaintiffs. Kittitas  
12 County Defendants are without knowledge or information sufficient to form a belief as to the  
13 truth of the remaining allegations contained in Paragraph 15 and, therefore, deny the same.

14 16. Kittitas County Defendants admit the Complaint names Bob Ferguson in his  
15 official capacity as Washington State Attorney General, as a Defendant. The cited state law  
16 speaks for itself. The remainder of Paragraph 16 asserts legal conclusions directed at another  
17 defendant who is separately represented, which requires no response. To the extent a response  
18 is required, Kittitas County Defendants deny.

19 20 17. Kittitas County Defendants admit the Complaint names John R. Batiste in his  
21 official capacity as Chief of the Washington State Patrol, as a Defendant. The cited state law  
22

1           speaks for itself. The remainder of Paragraph 17 asserts legal conclusions directed at another  
2 defendant who is separately represented, which requires no response. To the extent a response  
3 is required, Kittitas County Defendants deny.

4           18.    Kittitas County Defendants admit the Complaint names Clayton Myers in his  
5 official capacity as Sheriff for Kittitas County, Washington, as a Defendant. The cited state  
6 law speaks for itself. The remainder of Paragraph 18 asserts legal conclusions that require no  
7 response. To the extent a response is required, Kittitas County Defendants deny.

8           19.    Kittitas County Defendants admit the Complaint names John Horch in his  
9 official capacity as Sheriff for Clark County, Washington, as a Defendant. The cited state law  
10 speaks for itself. The remainder of Paragraph 19 asserts legal conclusions directed at another  
11 defendant who is separately represented, which requires no response. To the extent a response  
12 is required, Kittitas County Defendants deny.

13           20.    Kittitas County Defendants admit the Complaint names John Gese in his  
14 official capacity as Sheriff for Kitsap County, Washington, as a Defendant. The cited state  
15 law speaks for itself. The remainder of Paragraph 20 asserts legal conclusions directed at  
16 another defendant who is separately represented, which requires no response. To the extent a  
17 response is required, Kittitas County Defendants deny.

18           21.    Kittitas County Defendants admit the Complaint names Adam Fortney in his  
19 official capacity as Sheriff for Snohomish County, Washington, as a Defendant. The cited  
20 state law speaks for itself. The remainder of Paragraph 21 asserts legal conclusions directed at  
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24           GREGORY L. ZEMPEL  
25           KITTITAS COUNTY PROSECUTOR  
          KITTITAS COUNTY COURTHOUSE - ROOM 213  
          ELLENSBURG, WASHINGTON 98926-3129  
          TELEPHONE 509 962-7520

1 another defendant who is separately represented, which requires no response. To the extent a  
2 response is required, Kittitas County Defendants deny.

3 22. Kittitas County Defendants admit the Complaint names Greg Zempel in his  
4 official capacity as County Prosecutor for Kittitas County, Washington, as a Defendant. The  
5 cited state law speaks for itself. The remainder of Paragraph 22 asserts legal conclusions that  
6 require no response. To the extent a response is required, Kittitas County Defendants deny.

7 23. Kittitas County Defendants admit the Complaint names Tony Golik in his  
8 official capacity as Prosecutor for Clark County, Washington, as a Defendant. The cited state  
9 law speaks for itself. The remainder of Paragraph 23 asserts legal conclusions directed at  
10 another defendant who is separately represented, which requires no response. To the extent a  
11 response is required, Kittitas County Defendants deny.

12 24. Kittitas County Defendants admit the Complaint names Chad Enright in his  
13 official capacity as Prosecutor for Kitsap County, Washington, as a Defendant. The cited state  
14 law speaks for itself. The remainder of Paragraph 24 asserts legal conclusions directed at  
15 another defendant who is separately represented, which requires no response. To the extent a  
16 response is required, Kittitas County Defendants deny.

17 25. Kittitas County Defendants admit the Complaint names Jason Cummings in his  
18 official capacity as Prosecutor for Clark County, Washington, as a Defendant. The cited state  
19 law speaks for itself. The remainder of Paragraph 25 asserts legal conclusions directed at  
20 another defendant who is separately represented, which requires no response. To the extent a  
21 response is required, Kittitas County Defendants deny.

1 response is required, Kittitas County Defendants deny.

2 **IV. FACTUAL ALLEGATIONS**

3 **A. Washington's Ban On Common Semiautomatic Rifles**

4 26. Paragraph 26 asserts opinion, legal conclusions, and argument that require no  
5 response. To the extent a response is required, Kittitas County Defendants admit Governor  
6 Jay Inslee signed Substitute House Bill 1240, and admit Substitute House Bill 1240 speaks for  
7 itself. Kittitas County Defendants otherwise deny Paragraph 26.

8 27. Paragraph 27 asserts opinion, legal conclusions, and argument that require no  
9 response. To the extent a response is required, Kittitas County Defendants admit Substitute  
10 House Bill 1240 speaks for itself, but otherwise deny Paragraph 27.

11 28. Paragraph 28 asserts opinion, legal conclusions, and argument that require no  
12 response. To the extent a response is required, Kittitas County Defendants admit Substitute  
13 House Bill 1240 speaks for itself, but otherwise deny Paragraph 28.

14 29. Paragraph 29 asserts opinion, legal conclusions, and argument that require no  
15 response. To the extent a response is required, Kittitas County Defendants admit Substitute  
16 House Bill 1240 speaks for itself, but otherwise deny Paragraph 29.

17 30. Paragraph 30 asserts opinion, legal conclusions, and argument that require no  
18 response. To the extent a response is required, Kittitas County Defendants admit Substitute  
19 House Bill 1240 speaks for itself, but otherwise deny Paragraph 30.

20 31. Paragraph 31 asserts opinion, legal conclusions, and argument that require no  
21

1 response. To the extent a response is required, Kittitas County Defendants admit Substitute  
2 House Bill 1240 speaks for itself, but otherwise deny Paragraph 31.

3 **B. Washington Has Criminalized A Common And Important Means of Self-  
4 Defense**

5 32. Paragraph 32 asserts opinion, legal conclusions, and argument that require no  
6 response. To the extent a response is required, Kittitas County Defendants admit Substitute  
7 House Bill 1240 speaks for itself, but otherwise deny Paragraph 32.

8 33. Paragraph 33 asserts opinion, legal conclusions, and argument that require no  
9 response. To the extent a response is required, Kittitas County Defendants admit Substitute  
10 House Bill 1240 speaks for itself, but otherwise deny Paragraph 33.

11 34. Paragraph 34 asserts opinion, legal conclusions, and argument that require no  
12 response. To the extent a response is required, Kittitas County Defendants admit Substitute  
13 House Bill 1240 speaks for itself, but otherwise deny Paragraph 34.

14 35. Paragraph 35 asserts opinion, legal conclusions, and argument that require no  
15 response. The case law cited speaks for itself and requires no response. To the extent a  
16 response is required, Kittitas County Defendants deny Paragraph 35.

17 36. Paragraph 36 asserts opinion, legal conclusions, and argument that require no  
18 response. To the extent a response is required, Kittitas County Defendants deny Paragraph 36.

19 37. The documents cited in Paragraph 37 speak for themselves, and Plaintiffs'  
20 characterizations of the information in the documents require no response. To the extent a  
21

1 response is required, Kittitas County Defendants deny Paragraph 37.

2 38. The documents cited in Paragraph 38 speak for themselves, and Plaintiffs' 3 characterizations of the information in the documents require no response. To the extent a 4 response is required, Kittitas County Defendants deny Paragraph 38.

5 39. Paragraph 39 asserts legal conclusions and argument that require no response. 6 The case law cited speaks for itself and requires no response. To the extent a response is 7 required, Kittitas County Defendants deny Paragraph 39.

8 40. The document cited in Paragraph 40 speaks for itself, and Plaintiffs' 9 characterizations of the information in the document require no response. To the extent a 10 response is required, Kittitas County Defendants deny Paragraph 40.

11 41. The documents cited in Paragraph 41 speak for themselves, and Plaintiffs' 12 characterizations of the information in the documents require no response. To the extent a 13 response is required, Kittitas County Defendants deny Paragraph 41.

14 42. The documents cited in Paragraph 42 speak for themselves, and Plaintiffs' 15 characterizations of the information in the documents require no response. To the extent a 16 response is required, Kittitas County Defendants deny Paragraph 42.

17 43. Paragraph 43 asserts legal conclusions and argument that require no response. 18 The case law cited speaks for itself and requires no response. To the extent a response is 19 required, Kittitas County Defendants deny Paragraph 43.

20 44. The documents cited in Paragraph 44 speak for themselves, and Plaintiffs' 21

characterizations of the information in the documents require no response. To the extent a response is required, Kittitas County Defendants deny Paragraph 44.

45. The document cited in Paragraph 45 speaks for itself, and Plaintiffs' characterizations of the information in the document require no response. To the extent a response is required, Kittitas County Defendants deny Paragraph 45.

46. The document cited in Paragraph 46 speaks for itself, and Plaintiffs' characterizations of the information in the document require no response. To the extent a response is required, Kittitas County Defendants deny Paragraph 46.

47. The document cited in Paragraph 47 speaks for itself, and Plaintiffs' characterizations of the information in the document require no response. To the extent a response is required, Kittitas County Defendants deny Paragraph 47.

48. The document cited in Paragraph 48 speaks for itself, and Plaintiffs' characterizations of the information in the document require no response. To the extent a response is required, Kittitas County Defendants deny Paragraph 48.

49. Paragraph 49 contains Plaintiffs' characterizations of the alleged facts and hypothetical speculation, which require no response. To the extent a response is required, Kittitas County Defendants deny Paragraph 49.

50. The documents cited in Paragraph 50 speak for themselves, and Plaintiffs' characterizations of the information in the documents require no response. To the extent a response is required, Kittitas County Defendants deny Paragraph 50.

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**GREGORY L. ZEMPEL**  
KITTITAS COUNTY PROSECUTOR  
KITTITAS COUNTY COURTHOUSE - ROOM 213  
ELLENSBURG, WASHINGTON 98926-3129  
TELEPHONE 509 962-7520

1           51. Paragraph 51 contains Plaintiffs' characterizations of the alleged facts, which  
2 requires no response. To the extent a response is required, Kittitas County Defendants deny  
3 Paragraph 51.

4           52. Paragraph 52 contains Plaintiffs' argument and characterizations of the alleged  
5 facts, which requires no response. To the extent a response is required, Kittitas County  
6 Defendants deny Paragraph 52.

7           53. Paragraph 53 contains Plaintiffs' argument and characterizations of the alleged  
8 facts, which requires no response. To the extent a response is required, Kittitas County  
9 Defendants deny Paragraph 53.

10          54. The documents cited in Paragraph 54 speak for themselves, and Plaintiffs'  
11 characterizations of the information in the documents require no response. To the extent a  
12 response is required, Kittitas County Defendants deny Paragraph 54.

13          55. Paragraph 55 contains Plaintiffs' legal argument, conclusions, and  
14 characterizations of the alleged facts, which requires no response. To the extent a response is  
15 required, Kittitas County Defendants deny Paragraph 55.

16          56. Paragraph 56 contains Plaintiffs' legal argument, conclusions, and  
17 characterizations of the alleged facts, which requires no response. To the extent a response is  
18 required, Kittitas County Defendants deny Paragraph 56.

19          57. Paragraph 57 contains Plaintiffs' legal argument, conclusions, and  
20 characterizations of the alleged facts, which requires no response. To the extent a response is  
21

1 required, Kittitas County Defendants deny Paragraph 57.

2 **C. Statement Of Facts Relating to Lawrence Hartford**

3 58. Paragraph 58 requires no response. To the extent a response is required,  
4 Kittitas County Defendants incorporate their responses and denials as set forth above.

5 59. Kittitas County Defendants are without knowledge or information sufficient to  
6 form a belief as to the truth of the allegations contained in Paragraph 59 and, therefore, deny  
7 the same.

8 60. Kittitas County Defendants are without knowledge or information sufficient to  
9 form a belief as to the truth of the allegations contained in Paragraph 60 and, therefore, deny  
10 the same.

11 61. Kittitas County Defendants are without knowledge or information sufficient to  
12 form a belief as to the truth of the allegations contained in Paragraph 61 and, therefore, deny  
13 the same.

14 62. Kittitas County Defendants are without knowledge or information sufficient to  
15 form a belief as to the truth of the allegations contained in Paragraph 62 and, therefore, deny  
16 the same.

18 63. Kittitas County Defendants are without knowledge or information sufficient to  
19 form a belief as to the truth of the allegations contained in Paragraph 63 and, therefore, deny  
20 the same.

21 64. Kittitas County Defendants deny they have taken any steps to cause Plaintiff

Lawrence Hartford to fear prosecution. Kittitas County Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 64 and, therefore, deny the same.

**D. Statement Of Facts Relating to Doug Mitchell**

65. Paragraph 65 requires no response. To the extent a response is required, Kittitas County Defendants incorporate their responses and denials as set forth above.

66. Kittitas County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 66 and, therefore, deny the same.

67. Kittitas County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 67 and, therefore, deny the same.

68. Kittitas County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 68 and, therefore, deny the same.

69. Kittitas County Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 69 and, therefore, deny the same.

70. Kittitas County Defendants deny they have taken any steps to cause Plaintiff Doug Mitchell to fear prosecution. Kittitas County Defendants are without knowledge or

GREGORY L. ZEMPEL

KITTITAS COUNTY PROSECUTOR  
KITTITAS COUNTY COURTHOUSE - ROOM 213  
ELLENSBURG, WASHINGTON 98926-3129  
TELEPHONE 509 962-7520

1 information sufficient to form a belief as to the truth of the remaining allegations contained in  
2 Paragraph 70 and, therefore, deny the same.

3 **E. Statement Of Facts Relating to Brett Bass**

4 71. Paragraph 71 requires no response. To the extent a response is required,  
5 Kittitas County Defendants incorporate their responses and denials as set forth above.

6 72. Kittitas County Defendants are without knowledge or information sufficient to  
7 form a belief as to the truth of the allegations contained in Paragraph 72 and, therefore, deny  
8 the same.

9 73. Kittitas County Defendants are without knowledge or information sufficient to  
10 form a belief as to the truth of the allegations contained in Paragraph 73 and, therefore, deny  
11 the same.

12 74. Kittitas County Defendants are without knowledge or information sufficient to  
13 form a belief as to the truth of the allegations contained in Paragraph 74 and, therefore, deny  
14 the same.

16 75. Kittitas County Defendants are without knowledge or information sufficient to  
17 form a belief as to the truth of the allegations contained in Paragraph 75 and, therefore, deny  
18 the same.

19 76. Kittitas County Defendants are without knowledge or information sufficient to  
20 form a belief as to the truth of the allegations contained in Paragraph 76 and, therefore, deny  
21 the same.

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24 GREGORY L. ZEMPEL  
25 KITTITAS COUNTY PROSECUTOR  
KITTITAS COUNTY COURTHOUSE - ROOM 213  
ELLENSBURG, WASHINGTON 98926-3129  
TELEPHONE 509 962-7520  
KITTITAS COUNTY DEFENDANTS ZEMPEL AND  
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1           77.    Kittitas County Defendants deny they have taken any steps to cause Plaintiff  
2           Brett Bass to fear prosecution.  Kittitas County Defendants are without knowledge or  
3           information sufficient to form a belief as to the truth of the remaining allegations contained in  
4           Paragraph 77 and, therefore, deny the same.

5           **F.       Statement Of Facts Relating to Sporting Systems Vancouver, Inc**

6           78.    Paragraph 78 requires no response.  To the extent a response is required,  
7           Kittitas County Defendants incorporate their responses and denials as set forth above.

8           79.    Kittitas County Defendants are without knowledge or information sufficient to  
9           form a belief as to the truth of the allegations contained in Paragraph 79 and, therefore, deny  
10          the same.

11          80.    Kittitas County Defendants are without knowledge or information sufficient to  
12          form a belief as to the truth of the allegations contained in Paragraph 80 and, therefore, deny  
13          the same.

14          81.    Kittitas County Defendants are without knowledge or information sufficient to  
15          form a belief as to the truth of the allegations contained in Paragraph 81 and, therefore, deny  
16          the same.

17          82.    Kittitas County Defendants deny they have taken any steps to cause Plaintiff  
18          Sporting Systems Vancouver, Inc. to fear prosecution.  The case law cited in Paragraph 82  
19          speaks for itself and requires no response.  Kittitas County Defendants are without knowledge  
20          or information sufficient to form a belief as to the truth of the remaining allegations contained  
21          in Paragraph 82 and, therefore, deny the same.

1 in Paragraph 82 and, therefore, deny the same.

2 **V. CAUSE OF ACTION**

3 **A. Count One: 42 U.S.C. § 1983 & *Ex parte Young*, 209 U.S. 123 (1908)-Deprivation**  
4 **of Plaintiffs' Rights under the Second and Fourteenth Amendments of the United**  
**States Constitution**

5 83. Paragraph 83 requires no response. To the extent a response is required,  
6 Kittitas County Defendants incorporate their responses and denials as set forth above.

7 84. Kittitas County Defendants admit the Second Amendment of the United States  
8 Constitution speaks for itself and requires no response.

9 85. Paragraph 85 states a legal conclusion that requires no response. The case law  
10 cited speaks for itself and requires no response. To the extent a response is required, Kittitas  
11 County Defendants deny Paragraph 85.

12 86. Paragraph 86 states a legal conclusion that requires no response. The case law  
13 cited speaks for itself and requires no response. To the extent a response is required, Kittitas  
14 County Defendants deny Paragraph 86.

15 87. Paragraph 87 contains legal conclusions that require no response. To the extent  
16 a response is required, Kittitas County Defendants deny Paragraph 87.

17 88. Paragraph 88 states a legal conclusion that requires no response. The statute  
18 cited speaks for itself and requires no response. To the extent a response is required, Kittitas  
19 County Defendants deny Paragraph 88.

20 89. Paragraph 89 states a legal conclusion that requires no response. The case law

1 cited speaks for itself and requires no response. To the extent a response is required, Kittitas  
2 County Defendants deny Paragraph 89.

3 90. Kittitas County Defendants are without knowledge or information sufficient to  
4 form a belief as to the truth of the allegations contained in Paragraph 90 and, therefore, deny  
5 the same.

6 91. Paragraph 91 contains legal conclusions that require no response. To the extent  
7 a response is required, Kittitas County Defendants deny Paragraph 91.

8 92. Paragraph 92 states argument and a legal conclusion that requires no response.  
9 The case law cited speaks for itself and requires no response. To the extent a response is  
10 required, Kittitas County Defendants deny Paragraph 92.

11 **VI. PRAYER FOR RELIEF**

12 This section of the Complaint asserts Plaintiffs' requests for relief, to which no  
13 response is required. To the extent a response is required, Kittitas County Defendants deny  
14 Plaintiffs are entitled to the relief requested, or any relief. The Court has dismissed Plaintiffs'  
15 claims under 42 U.S.C. § 1983 and 42 U.S.C. § 1988. As to any allegations in Plaintiffs'  
16 Complaint not expressly admitted or denied, Kittitas County Defendants deny the same.  
17

18 **VII. AFFIRMATIVE DEFENSES**

19 Kittitas County Defendants assert the affirmative defenses, as set forth below. By  
20 setting forth the following allegations and defenses, Kittitas County Defendants do not assume  
21 the burden of proof on any matter or issue other than those on which they have the burden of  
22

1 proof as a matter of law. If the facts warrant, Kittitas County Defendants may withdraw any  
2 of these affirmative defenses. Kittitas County Defendants reserve the right to amend this  
3 Answer to assert additional defenses, cross claims, and counterclaims.

4 1. Plaintiffs have failed to state a claim upon which relief may be granted.  
5 2. Plaintiffs lack standing to sue individually and/or on behalf of others.  
6 3. Plaintiffs' claims are not ripe.  
7 4. To the extent Plaintiffs are attempting to bring a claim for monetary damages,  
8 costs or attorney's fees, Kittitas County Defendants may be immune from suit or judgment  
9 pursuant to the following doctrines: public duty doctrine, qualified immunity, prosecutorial  
10 immunity, and absolute immunity.

11 5. To the extent Kittitas County Defendants undertook conduct regarding subjects  
12 and events underlying Plaintiffs' Complaint, such conduct was, at all relevant times,  
13 undertaken in good faith and in reasonable reliance on existing law. Kittitas County  
14 Defendants have no authority to enact state law and took no part in the enactment of SHB  
15 1240.

16 6. Kittitas County Defendants also adopt and incorporate by reference any and all  
17 other defenses asserted by any other defendant in this matter to the extent Kittitas County  
18 Defendants may share in such defense.

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24 GREGORY L. ZEMPEL  
25 KITTITAS COUNTY PROSECUTOR  
KITTITAS COUNTY COURTHOUSE - ROOM 213  
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## **VIII. KITTITAS COUNTY DEFENDANTS' PRAYER FOR RELIEF**

Kittitas County Defendants respectfully request the Court grant the following relief:

1. Dismiss Plaintiffs' Complaint in its entirety, with prejudice, and without an award of any relief to Plaintiffs of any kind whatsoever, in favor of Kittitas County Defendants;

2. Award all reasonable costs, attorneys fees, and expenses to Kittitas County Defendants as may be permitted by applicable law; and

3. Award Kittitas County Defendants such other and further relief as the Court deems just and proper.

DATED this 6<sup>th</sup> day of July, 2023.

GREGORY L. ZEMPEL

/s/ Christopher Horner

CHRISTOPHER HORNER, WSBA #42152  
Deputy Prosecuting Attorney  
Kittitas County Prosecutor's Office  
205 West Fifth, Room 213  
Ellensburg, WA 98926  
Telephone: (509) 962-7520  
christopher.horner@co.kittitas.wa.us  
*Counsel for Defendants Greg Zempel and  
Clay Myers*

GREGORY L. ZEMPEL

KITTITAS COUNTY PROSECUTOR  
KITTITAS COUNTY COURTHOUSE - ROOM 213  
ELLENSBURG, WASHINGTON 98926-3129  
TELEPHONE 509 962-7520

**CERTIFICATE OF SERVICE**

1 The undersigned certifies as follows:

2 1. I am an employee of the Civil Division of the Kittitas County Prosecuting  
3 Attorney.

4 2. On July 10th, 2023, at Ellensburg, WA, I sent, via the Clerk of the Court using the  
5 CM/ECF system, a true and correct copy of foregoing document:

6 • **KITTITAS COUNTY DEFENDANTS ZEMPEL AND MYERS  
7 ANSWER TO PLAINTIFFS' COMPLAINT,**

8 To the following individuals at the specified addresses via CM/ECF,

9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25  
Joel B. Ard  
Ard Law Group PLLC  
PO Box 11633  
Bainbridge Island, WA 98110  
[Joel@Ard.law](mailto:Joel@Ard.law)

Kai A. Smith  
Meha Goyal  
Zachary Pekelis  
Pacific Law Group LLP  
1191 Second Ave, Suite 2000  
Seattle, WA 98101  
[kai.smith@pacificlawgroup.com](mailto:kai.smith@pacificlawgroup.com)  
[meha.goyal@pacificlawgroup.com](mailto:meha.goyal@pacificlawgroup.com)  
[zach.pekelis@pacificlawgroup.com](mailto:zach.pekelis@pacificlawgroup.com)

Christine M. Palmer  
Kitsap County Prosecutor's Office  
614 Division Sr MS-35A  
Port Orchard, WA 98366  
[Cmpalmer@kitsap.gov](mailto:Cmpalmer@kitsap.gov)

Lyndsey M. Downs  
Marget Duncan  
Snohomish County Prosecutor's Office  
3000 Rockefeller Ave, M/S 504  
Everett, WA 98201  
[lyndsey.downs@co.snohomish.wa.us](mailto:lyndsey.downs@co.snohomish.wa.us)  
[margaret.duncan@co.snohomish.wa.us](mailto:margaret.duncan@co.snohomish.wa.us)

Leslie A Lopez  
Clark County Prosecutor's Office  
PO Box 5000  
Vancouver, WA 98666-5000  
[leslie.lopez@clark.wa.gov](mailto:leslie.lopez@clark.wa.gov)  
[amanda.migchelbrink@clark.wa.gov](mailto:amanda.migchelbrink@clark.wa.gov)

Andrew W. Hughes  
Assistant Attorney General's Office  
800 Fifth Ave, Suite 2000  
Seattle, WA 98104-3188  
[andrew.hughes@atg.wa.gov](mailto:andrew.hughes@atg.wa.gov)  
[Kristin.beneski@atg.wa.gov](mailto:Kristin.beneski@atg.wa.gov)  
[William.mcgintry@atg.wa.gov](mailto:William.mcgintry@atg.wa.gov)  
[july.simpson@atg.wa.gov](mailto:july.simpson@atg.wa.gov)

Derek Lee  
Angus Lee Law Firm, PLLC  
9105A NE Hwy 99, Suite 200  
Vancouver, WA 98666-5000  
[angus@angusleelaw.com](mailto:angus@angusleelaw.com)

I CERTIFY under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated: July 16th, 2023, at Ellensburg, Washington.

Christine Rice  
Christine Rice  
Legal Assistant